

## **REMARKS**

### **I. Status of Claims**

Claims 15-23 are pending in the application. Claims 20-23 were withdrawn by the Examiner as being constructively elected by original presentation. Claims 15, 16, 18, and 20 are independent. By this response, claims 15, 16, and 18 are amended. Support for this additional language can at least be found in paragraphs [0042] and [0046] of the application as published.

Claims 15 and 17 stand rejected under 35 USC 102(b) as allegedly being anticipated by Banhardt et al (DE 101 27 322) (hereinafter “Banhardt”).

Claims 15 and 17 stand rejected under 35 USC 102(e) as allegedly being anticipated by Debe et al (USP 6,780,536) (hereinafter “Debe”).

Claims 15 and 17 stand rejected under 35 USC 102(b) and 103(a) as allegedly being anticipated by, and alternatively allegedly unpatenable over Kosugi et al. (JP 2001-043870) (hereinafter “Kosugi”).

Claims 16, 18 and 19 stand rejected under 35 USC 102(b) as allegedly being anticipated by Yamamoto (JP 10-172586) (hereinafter “Yamamoto”).

The Applicant respectfully requests reconsideration in view of the foregoing amendments and the following remarks.

### **II. Pending Claims**

#### **i. Independent claim 15 is patentable over Banhardt, Debe, and Kosugi**

Claim 15, the only independent claim rejected by these references, stands rejected under 35 USC 102(b) as allegedly being anticipated by Banhardt, Yamamoto, and Debe.

Claim 15 is patentable over the cited references at least because it recites “a MEA...” and “the gas passage groove increases in width in a direction towards the MEA to form a fuel or oxidizing gas passage.”

Certain embodiments of the present invention relate to a gas passage groove. See 18Ag and 18Bg as seen in FIG. 5 provided herein below.

The Applicant respectfully submits that, for at least these reasons, claim 15 and its dependent

claims are patentable over the cited references.

**ii. Independent claims 16 and 18 are patentable over Yamamoto**

Independent claims 16 and 18 stand rejected under 35 USC 102(b) as allegedly being anticipated by Yamamoto (JP 10-172586) (hereinafter “Yamamoto”).

Claims 16 and 18 are patentable over the cited references at least because they recite “wherein the cross-sectional area of the gas passage groove being changed by changing the thickness of a surface treatment layer formed on a surface of the gas passage groove...” and “wherein the surface treatment layer being formed of epoxy resin or rubber and the thickness of the layer can be changed by applying a plurality of layers.”

The Applicant respectfully submits that Yamamoto does not disclose a surface treatment layer formed of epoxy resin or rubber and that this distinction is not insignificant. The invention as claimed differs from Yamamoto at least because the surface treatment layer is formed of epoxy resin or rubber coating and thus does not absorb water. Thus, the cross-sectional area of the gas passage groove does not change due to the absorbed water and thus it can be easier to set and maintain the cross-sectional area as desired.

The Applicant respectfully submits that for at least these reasons, claims 16 and 18, as well as their dependent claims, are patentable over the cited references.

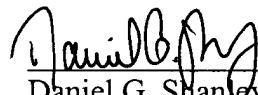
### **III. Conclusion**

In view of the foregoing discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition. Favorable reconsideration and early issuance of a Notice of Allowance are therefore respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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